

## **REMARKS/ARGUMENTS**

### **Claim Rejections - 35 USC 103**

A. Claims 4, 6-13, 22, and 29 stand rejected under 35 USC 103(a) as being unpatentable over US 6, 177,049 to Schnell et al in view of US 5,687,764 to Tanaka et al.

Applicant disagrees with this rejection of the Examiner. Specifically Claim 29, as amended includes a monitor for measuring first and second variables in the dialysate and a calculating means for calculating a blood flow rate in the blood access. This feature is not disclosed by either reference taken alone or in combination. That is, Schnell does not disclose measuring first and second variables in the dialysate. Tanaka, as recognized by the Examiner, only relates to a valve having a rotatable valve plate, preferably for high and low temperature air flows.

In view of the remarks above, Applicant asks the Examiner to reconsider the rejection of Claim 29 and Claims 4, 6-13, and 22 that depend therefrom as being unpatentable over Schnell in view of Tanaka.

B. Claims 14-16 stand rejected under 35 USC 103(a) as being unpatentable over US 6, 177,049 to Schnell et al in view of US 5,687,764 to Tanaka et al, further in view of US 5,443,453 to Walker et al.

It is Applicant's position that the rejection of Claim 14 is deficient for the reasons set forth above with respect to Claim 29. Walker adds nothing to cure this deficiency as it is directed to a stop-cock valve.

With respect to Claims 15 and 16, Applicant notes that the valve of Tanaka uses fixed X-shaped partition walls 2 to limit movement. Thus there is no teaching or suggestion in Tanaka or

even in Schnell combined with Tanaka to look elsewhere for a shoulder cooperating with a groove peripheral of the valve chamber to limit movement. The X-shaped partition already provides movement limitations and to replace it with a groove and shoulder would impact the overall function of the valve.

In view of the remarks above, Applicant seeks reconsideration of the rejection of Claims 14-16 noted above.

C. Claims 17-18 stand rejected under 35 USC 103(a) as being unpatentable over US 6, 177,049 to Schnell et al in view of US 5,687,764 to Tanaka et al. in view of US 5,443,453 to Walker et al, further in view of US 4,593,717 to Levasseur.

Applicant disagrees with this rejection of the Examiner for the reasons set forth with respect to Claims 29 and 16 above. Again, Applicant sees no suggestion for adding a groove and shoulder to Tanaka even if the combination of Schnell and Tanaka was found obvious. Removing the X-shaped partition of Tanaka would result in a different operation. With the partition it is unclear as to how the shoulder and groove would function.

D. Claims 17-18 (it is believed the Examiner means Claim 19) stand rejected under 35 USC 103(a) as being unpatentable over US 6, 177,049 to Schnell et al in view of US 5,687,764 to Tanaka et al., further in view of US 4,593,717 to Levasseur.

It is believed the Examiner intended to reject Claim 19 but inadvertently instead inserted Claims 17-18. Claim 19 however refers to the less than 90° angle. Applicant asks the Examiner to confirm that the rejection is intended to apply to Claim 19.

Applicant believes Claim 19 is allowable for the reason set forth with respect to Claims 11 and 29 above. Levasseur adds nothing to cure the deficiencies set forth with respect to the combination of Schnell and Tanaka.

In addition, Applicant hereby files the Request for Continued Examination (RCE) under 37 CFR 1.114. The Commissioner is authorized to charge deposit account number 032316 for the required fees.

If the Examiner has any further questions or concerns about this application she is requested to contact Applicant's representative at 1-303-231-4132.

Respectfully submitted,

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Dated

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